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Attorney for Defendant Zheng, Ming Yan

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA	)	CRIMINAL ACTION NO. 05-00027
	)	
Plaintiff	)	OBJECTION TO ALLOCUTION BY
	)	VIDEO CONFERENCING
v.	)	
	)	
ZHENG MING YAN and LIU, CHANG	)	
DA	)	
	)	Date: December 8, 2006
Defendant	)	Time: 8:00 a.m.
_____	)	

Zheng acknowledges that persons deemed to be crime victims have the right to allocute at sentencing. 18 U.S.C.A. § 3771 (a)(4). The controlling case on this issue in this circuit is *Kenna v. U.S. District. Court for C.D.Cal.*, 435 F.3d 1011 (9<sup>th</sup> Cir. 2006). *Kenna* recognizes that a crime victim has the right to **personally appear** and make an oral statement at sentencing. 435 F.3d 1011 at 1016. See *United States v. Degenhardt*, 405 F.Supp.2d 1341, 1345 ((D. Utah 2005). While *Kenna* does not address the issue, it has been indicated that the court, in its discretion, can allow an alternative means of allocation upon a showing as to why the victim can not attend the court proceeding. *Degenhardt*, 405 F.Supp.2d at 1345. Zheng acknowledges that *Degenhardt's* , reasoning conforms with the legislative intent of § 3771 (a)(4).

In this case, there has not been any showing as to why Lian Wei or Chi Xiumei can not

attend the sentencing in person. Without such a showing, they should not be allowed to appear by video conferencing.

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By:/s/\_\_\_\_\_  
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